

The 10th October, 1973

No. 10099-4Lab-73/34173.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of dispute between the workman and the management of M/s Mohinder Singh and Associates, 15/3, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 2 of 1973

between

SHRI VIRINDER KUMAR WORKMAN AND THE MANAGEMENT OF M/S MOHINDER SINGH AND ASSOCIATES, 15/3, MATHURA ROAD, FARIDABAD.

Present.—

Nemo for the workman.

Shri R. C. Sharma for the management.

AWARD

The following dispute between the management of M/s Mohinder Singh and Associates, 15/3, Mathura Road, Faridabad and its workman Shri Virinder Kumar was referred for adjudication to this Tribunal,—vide order No. ID/FD/72/1995, dated 18th January, 1973 of the Governor, of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Virinder Kumar was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference the parties were called upon to put in their respective written statements. The management has pleaded that Shri Virinder Kumar was only a probationer and his work having not been found to be satisfactory his services were rightly terminated. The workman has not turned up in person or through authorised representative of the union to pursue his claim. Statement of the authorised representative of the management has been recorded. He has proved the appointment letter dated 1st April, 1972 Ex. M-1 whereby this workman was appointed on probation for a period of about six months. He has further stated that the work of Shri Virinder Kumar having not been found to be satisfactory. His services were terminated with effect from 31st August, 1972.

I have heard the learned representative of the management and considered the facts on record. The appointment of Shri Virinder Kumar concerned workman being on probation as per the letter of appointment Ex. M-1 which is signed by him, the management was within its rights to terminate his services when during the period of probation his work was not found to be satisfactory. No *malafid* on the part of the management have been urged. Since the workman has not turned up to pursue his claim himself or through authorised representative of the union in spite of service, the presumption is that he is not interested in the present reference.

In view of the above, the issue is decided against the workman and the termination of his services is held to be justified and in order and, in the result, he is not entitled to any relief by way of reinstatement or payment of back dues. In the circumstances, there shall be no order as to costs.

Dated the 28th September, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1112, dated the 28th September, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 28th September, 1973

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

S. N. BHANOT,
Commissioner for Labour and Employment
and Secretary to Government, Haryana.